

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 5-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Proulx et al. 6,519,857.

Proulx et al. discloses a head for a brush cutter comprising the claimed features including a passage for a cutter string, a movable locking element and a backing wall. Proulx et al. does not specifically disclose the cross section of the locking element taken transversely to the string presents at least one recess forming a longitudinal groove having different shapes extending along the string. The shape of the groove formed in the locking element is a matter of obvious design choice since locking elements are known to be made with differing shapes and configurations perform effectively.

### ***Response to Arguments***

3. Applicant's arguments filed 12/20/08 have been fully considered but they are not persuasive.

In response to applicant's arguments that US Patent 6,519,857 (to Proulx) does not teach or suggest a cutting head that includes a locking element, wherein a cross-section of the locking element taken transversely to the string presents at least one recess

forming a longitudinal groove extending along the groove, the orientation of the elements is a matter of engineering expedient and can be determined through routine experimentation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have oriented the locking element as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

In response to applicant's arguments that Proulx does not teach or suggest a cutting head including a moving element including two rows of teeth separated by a central groove, the shape is a matter of design choice. It would have been an obvious matter of design choice to make the different portions of the locking element of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey*.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/  
Examiner, Art Unit 3723